

Message Text

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ORIGIN ARA-10

INFO OCT-01 ISO-00 OES-03 L-03 CG-00 DOTE-00 COME-00 OFA-01

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NSAE-00 INRE-00 SSO-00 SS-15 NSCE-00 NSC-05 USIE-00

PRS-01 PA-01 /063 R

DRAFTED BY ARA/CAR:GPALAZZOLO:KK

APPROVED BY ARA/CAR:JRBURKE

L/OES:HBWEST (DRAFT)

OES/OFA/FA:LNAKATSU (DRAFT)

ARA/PLC:JMARTIN (DRAFT)

COGARD/WASHDC:BDIXON (DRAFT)

NMPS/NOAA/COMM:HBEASLEY (PHONE)

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FM SECSTATE WASHDC

TO AMEMBASSY NASSAU IMMEDIATE

INFO CCGD SEVEN MIAMI FLORIDA

COMDT COGARD WASHINGTON DC

C O N F I D E N T I A L STATE 155243

E.O. 11652: GDS

TAGS: EFIS, BF

SUBJECT: SPINY LOBSTER DEMARCHE

REF: A) NASSAU 974; B) NASSAU 952

FOR THE AMBASSADOR

1. THE FOLLOWING REFLECTS CONSENSUS DEVELOPED AT RECENT SEPARATE MEETINGS IN THE DEPT INVOLVING YOU AND RADM WAGNER WITH DEP. ASST. SEC. LUERS, AMB. CLINGAN, ARA/CAR, COAST GUARD REPS AND OTHERS.

2. AT YOUR EARLIEST CONVENIENCE YOU SHOULD SEEK APPOINTMENT WITH PM TO DISCUSS PROBLEM POSED BY GCOB LEGISLATION
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DECLARING SPINY LOBSTER CREATURE OF CONTINENTAL SHELF.

PM SHOULD BE INFORMED THAT YOU ARE MAKING DEMARCHE ON INSTRUCTIONS.

3. IN YOUR CONVERSATION WITH PINDLING YOU SHOULD MAKE FOLLOWING POINTS, SOME OF WHICH HAVE ALREADY BEEN DISCUSSED (PARA 5, REF A) AND AGREED UPON.

A. PM MUST REALIZE POTENTIAL SERIOUS CONSEQUENCES WHICH CAN ARISE OUT OF GCOB ENFORCEMENT OF LAW PRIOR TO REACHING A MUTUAL AGREEMENT ON SPINY LOBSTER ISSUE;

B. ALTHOUGH WE UNDERSTAND GCOB'S INTEREST IN PROTECTING RESOURCE, IMPORTANT USG INTEREST IS LIKEWISE AFFECTED, I.E., US SPINY LOBSTER FISHING;

C. USG READY AND WILLING TO EXPLORE ALL AVENUES TO WORK OUT ARRANGEMENT FOR ACCOMMODATING DESIRE TO PROTECT LONG-TERM VIABILITY OF SPINY LOBSTER RESOURCE WHILE MEETING CONTINUING USG DESIRE FOR SOME ACCESS TO FISHING RIGHTS. LICENSING MIGHT BE ONE SUCH SOLUTION BUT USG HAS NO FIXED PRECONCEPTIONS AS TO SINGLE BEST WAY TO ACCOMMODATE LEGITIMATE INTERESTS BOTH PARTIES;

D. USG HAS CONSISTENTLY POINTED OUT LATENT DANGERS IN A FAILURE TO REACH MUTUAL AGREEMENT ON HOW INTERESTS OF BOTH PARTIES MIGHT BE ACCOMMODATED, NAMELY, POSSIBILITY OF CONFLICT SITUATIONS GROWING OUT OF GCOB ATTEMPTS TO ENFORCE NEW LEGISLATION, ESPECIALLY WITH LACK OF COMPLETE CONTROL OVER PRIVATE FISHERMEN, SOME OF VOLATILE CHARACTER ON BOTH SIDES, RESUMPTION OF SHOOTING OR BOMBING INCIDENTS OF AN EARLIER PERIOD COULD OCCUR. WE ARE PLEASED THAT PROBLEMS OF EARLIER PERIOD HAVE NOT RESURFACED, DUE IN LARGE MEASURE TO RESPONSIBLE ACTIONS TAKEN BY GOVERNMENTAL AUTHORITIES ON BOTH SIDES. OUR EFFORTS ON SPINY LOBSTER DIRECTED TOWARD MAINTAINING THIS RULE OF REASON;

E. USG WOULD HOPE THAT GCOB WOULD BE PREPARED TO ENGAGE IN PREVIOUSLY PROPOSED DIALOGUE WITHOUT FURTHER DELAY. WE HOPEFUL SUCH DIALOGUE WOULD INDICATE HOW ACCOMMODATION OF BOTH GOVERNMENTS' INTERESTS COULD BE CONFIDENTIAL

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ACHIEVED. IF POSSIBLE, THIS SHOULD BE ACCOMPLISHED BEFORE AUGUST 1 OPENING OF NEW FISHING SEASON. IF THIS PROVES INFEASIBLE DEADLINE, USG WOULD WANT TO EXCHANGE VIEWS AS TO INTERIM MEASURES WHICH MIGHT BE TAKEN, PENDING COMPLETION OF TALKS, E.G., MORATORIUM ON GCOB ENFORCEMENT.

F. IN THE CONTEXT OF POINT E ABOVE, YOU SHOULD

EMPHASIZE PREVIOUSLY DISCUSSED CANADIAN PRECEDENT (PARA 3, REF B) WHERE USG HAS REFRAINED FROM ENFORCING 1974 LAW DECLARING AMERICAN LOBSTER CREATURE OF CONTINENTAL SHELF AGAINST CANADIAN VESSELS, PENDING CONCLUSION OF BI-LATERAL TALKS WITH GOC.

4. ALTHOUGH USG DOES NOT INTEND TO CHALLENGE LEGALITY OF GCOB CONTINENTAL SHELF LEGISLATION, RECOGNITION OF SUCH LEGALITY IN TALKS WITH GCOB FOR TIME BEING SHOULD BE AVOIDED FOR TACTICAL REASONS.

5. GIVEN RELATIVELY SHORT TIME LEFT TO OPEN SOME KIND OF DIALOGUE WITH GCOB BEFORE AUGUST 1 AND COAST GUARD'S PRESSING NEED TO NOTIFY FISHERMEN IN EVENT MORATORIUM IS NOT ACHIEVED, EMBASSY SHOULD MAKE EFFORT TO START TALKS WITH PINDLING ASAP. INGERSOLL

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